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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,215	09/25/2000	Larry Cecil Brown	RAC 89,921	5454

7590 06/08/2004

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EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 06/08/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/669,215	Applicant(s) BROWN, LARRY CECIL	
	Examiner Michael C Maskulinski	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 3 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Office Action

Claim Rejections - 35 USC § 112

1. In view of the recent amendments, the rejection of claims 4, 10, and 13 under the first paragraph of 35 U.S.C. 112 for non-enablement has been withdrawn.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4-7, 10, 13, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al., U.S. Patent 5,202,914. The Examiner maintains the rejection of claims 1, 5-7, 14, and 16 from the previous Office Action, paper no. 6, mailed January 2, 2004, the body of which can be found there.

Referring to claim 4, in column 5, lines 7-23, Kim et al. disclose that the LED is lit when the system is turned on and all self-tests are satisfactory. Otherwise the LED will blink if an error is detected (said status indication identify the status of groups of operations being performed prior to interruption by a condition including at least a fault condition, an abnormal operation condition, and a commanded interruption condition).

Referring to claim 10, in Figure 2B, Kim et al. teach displaying the retained captured status indications as hierarchically ordered indicators comprising at least LED's. Further, in column 5, lines 43-46, Kim et al. disclose an LCD that also displays indicator bars or dashes in association with labels printed on the body of the system to display various system states and error conditions (a visible progressive illuminated bar

indicator and non-LED illuminations). In column 7, lines 14-16, Kim et al. disclose a speaker to provide audio feedback during dialing (audible indications).

Referring to claim 13:

- a. In column 4, lines 55-60, Kim et al. disclose that a telephone set may be connected to the system to provide connection with the remote data processing center (a modem system).
- b. In Figure 2B, Kim et al. teach generating hierarchically ordered status indications reflecting the status of completion of sequentially performed groups of operations wherein individual status indications are associated with corresponding groups of operations and identify the status of groups of operations being performed prior to interruption by a condition including a fault condition. Further, in column 5, lines 7-23, Kim et al. disclose that the LED is lit when the system is turned on and all self-tests are satisfactory. Otherwise the LED will blink if an error is detected (said status indication identify the status of groups of operations being performed prior to interruption by a condition including at least a fault condition, an abnormal operation condition, and a commanded interruption condition).
- c. In column 5, lines 7-11, Kim et al. disclose that a linear array of light emitting diodes (LED's) is provided to show the state of the system. An LED is lit when the system is turned on and all self-tests are satisfactory (capturing said generated status indications and retaining said captured status indications following initiation of repetition of said groups of operations).

d. In Figure 2B, Kim et al. teach providing said retained captured status indications as identification of an attained operational status of said system for system operation diagnosis.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Patent 5,202,914, and further in view of the ACM6000EB Cable Modem User's Manual. The Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed January 2, 2004, the body of which can be found there.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Patent 5,202,914 as applied to claim 1 above, and further in view of Feagans, U.S. Patent 6,366,297 B1. The Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed January 2, 2004, the body of which can be found there.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Feagans, U.S. Patent 6,366,297 B1 and Kim et al., U.S. Patent 5,202,914, and further in view of McKaughan et al., U.S. Patent 6,014,744. The Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed January 2, 2004, the body of which can be found there.

8. Claims 11, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Patent 5,202,914, and further in view of McKaughan

et al., U.S. Patent 6,014,744. The Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed January 2, 2004, the body of which can be found there.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., 5,202,914, and further in view of Schieve et al., U.S. Patent 5,455,933. The Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed January 2, 2004, the body of which can be found there.

Allowable Subject Matter

10. Claims 19-21 are allowed.

11. Claims 3 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed March 25, 2003 have been fully considered but they are not persuasive.

13. On page 11, under the section Rejection of Claims 1,4-7,10,13,14, and 16 under 35 U.S.C. 102(b), the Applicant argues, "However, showing the state of the system is not 'capturing said generated status indication' as claimed in claim 1 of the present invention. In fact, what Kim et al. disclose in column 5, lines 7-11 is displaying

(emphasis by Applicant) the state of the system. Additionally, it is respectfully submitted that displaying (emphasis by Applicant) the system state as disclosed by Kim et al. is **not** (emphasis by Applicant) the same as 'retaining (emphasis by Applicant) said captured status indications' as in the present invention. In the present claimed invention 'said retained captured (emphasis by Applicant) status indications' are provided 'as identification of an attained operational status of said system for system operating diagnosis.'" The Examiner respectfully disagrees. The claim language of claim 1 merely states capturing generated status indications and retaining said captured status indications. It doesn't mention what captures and retains these states or how they are captured and retained. When a user is able to observe an LED light that displays that system state, then the system **must** have captured and retained the system state. As pointed out by the Applicant, the present claimed invention uses the retained captured status indications to identify an attained operational status. Similarly, the system of Kim et al. identifies an attained operational status by capturing and retaining the status with LED lights.

14. On pages 11-12, under the section Rejection of Claims 1,4-7,10,13,14, and 16 under 35 U.S.C. 102(b), the Applicant argues, "Kim et al. neither disclose nor suggest that the retained captured status indications 'follow[ing] initiation of repetition (emphasis by Applicant) of said group of operations' as in the present claimed invention." The Examiner respectfully disagrees. In Figure 7A, Kim et al. disclose testing a sequence of events and upon reaching an error signals an LED light to blink. Further, in column 9, lines 50-52, Kim et al. disclose storing an error code. It is inherent to the system of Kim

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et al. to use the LED lights to diagnose the system and then reset it when appropriate.

An error code is retained after the initiation of a reset. Further, the Applicant argues that

Kim et al. don't disclose "providing said retained captured status indications as

identification of an attained operational status of said system for system operation

diagnosis." The Examiner respectfully disagrees. The sole purpose of providing LED

lights indicating errors is for notifying a user so that the problem can be diagnosed.

15. On pages 13-14, under the section Rejection of Claim 2 under 35 U.S.C. 103(a),

the Applicant argues, 'While the LED's are numbered 1 through 5, the User's Manual

does not disclose that "said generating step generates hierarchically ordered status

indications' as in the present claimed invention. The Examiner respectfully disagrees

and has fully addressed this argument in paragraph 23 of the previous Office Action,

paper no. 6, mailed January 2, 2004. The Examiner's response can be found there.

16. On page 15, under the section Rejection of Claim 8 under 35 U.S.C. 103(a), the

Applicant argues, "Kim et al. neither disclose nor suggest 'displaying said retained

captured status indications to a User of said system' as in the present invention." The

Examiner respectfully disagrees. It is **very clear** that having lights blink is a means of

displaying retained captured indications to a User. The indications have to be retained

and captured otherwise how would the system know what lights should be blinking.

17. On page 15, under the section Rejection of Claim 8 under 35 U.S.C. 103(a), the

Applicant argues, "However, Feagans neither discloses nor suggests 'a bi-directions

communications system for performing a sequence of operations' as in the present

claimed invention.” The Examiner respectfully disagrees. Feagans is not used to teach a bi-directions communications system. In fact that, this limitation isn't even in claim 8.

18. On pages 15-16, under the section Rejection of Claim 8 under 35 U.S.C. 103(a), the Applicant argues against the Examiner's motivation to combine Kim et al. and Feagans. Specifically the Applicant argues, “it is clear that Kim et al. had no intention of further using the stored error code and thus, it would be improper to combine a reference that concerns accessing a device status and displaying the status of the device such as Feagans.” The Examiner respectfully disagrees. Feagans is an obvious **improvement** of Kim et al. Feagans takes the stored error code, which is taught by Kim et al., and takes it one step further by displaying it to the user.

19. On page 17, under the section Rejection of claim 9 under 35 U.S.C. 103(a), the Applicant argues, “McKaughan et al. neither disclose nor suggest ‘capturing said generated status indications’ as in the present claimed invention. Additionally, similarly to Kim et al. and Feagans, McKaughan et al. neither disclose nor suggest ‘retaining said captured status indications following initiation of repetition of said groups of operations’ as in the present claimed invention. The Examiner is confused as to the point of this statement since McKaughan et al. is used to cure the deficiency of neither Kim et al. nor Feagans disclosing retaining the captured status indications during re-cycling of the sequentially performed groups of operations in a removable storage medium, and the limitations mentioned are taught by either Kim et al. or Feagans.

20. On page 19, under the section Rejection of claims 11, 15, and 18 under 35 U.S.C. 103(a), the Applicant argues, “Additionally, similarly to Kim et al. and Feagans,

McKaughan et al. neither disclose nor suggest 'a removable storage medium to be available during re-cycling of said sequentially performed group operations' as in the present invention." The Examiner respectfully disagrees and refuses to address this argument until the Applicant specifically shows how or where McKaughan et al. do not teach this limitation. As it stands now, this argument does not constitute a proper response to the rejection of claims 11, 15, and 18 under 35 U.S.C. 103(a).

21. On page 20, under the section Rejection of claim 12 under 35 U.S.C. 103(a), the Applicant argues, "Schieve et al. neither disclose nor suggest 'capturing said generated status indications' as in the present claimed invention. Additionally, similarly to Kim et al., Schieve et al. neither disclose nor suggest 'retaining said captured status indications following initiation of repetition of said groups of operations' as in the present claimed invention." The Examiner agrees because Kim et al teach these limitations. The rejection of claim 12 is a combination of Schieve et al. and Kim et al.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM


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